

**Authority:** Item 14  
Planning Committee  
Report 13-012 (PED13096(a))  
CM: August 16, 2013

**Bill No. 209**

## **CITY OF HAMILTON**

### **BY-LAW NO. 13-209**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 601 Upper Centennial Parkway (Stoney Creek)**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 14 of Report 13-012 of the Planning Committee, at its meeting held on the 16th day of August, 2013, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this B-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 11 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-50(H)" Zone, the lands comprised of "Block 1";
  - (b) by changing the zoning from Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-51(H)" Zone, the lands comprised of "Block 2";

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Sub-section 6.10.7, "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM3-50(H)", as follows:

**"RM3-50(H)" 601 Upper Centennial Parkway, Schedule "A", Map No. 11**

For the purposes of this By-law, "Height" shall be defined as: the average vertical distance measured from metres-above-sea-level (masl) at the four corners of the building to the highest point of the roof structure or the parapet, a common element condominium road shall be deemed to be a street, and the lot boundary shall be deemed to be the lot lines for the "RM3-50(H)" Zone, including but not limited to, building setbacks.

Notwithstanding the "Permitted Uses For Each Lot" of Sub-section 6.10.2 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-50(H)" by this By-law, only the following shall be permitted:

- (a) Street Townhouses
- (b) Townhouses
- (c) Duplexes
- (d) Triplexes
- (e) A Home Occupation
- (f) Uses, buildings, or structures accessory to a permitted use

Notwithstanding the provisions of Sub-section 6.10.3, Paragraphs (f) and (j) of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-50(H)" by this By-law, the following shall apply:

- (f) Minimum Rear Yard Setback  
Along Upper Centennial Parkway: 12m in conjunction with a berm, and 6m without the berm.

- (j) Maximum Building Height: 196 masl not to exceed 10m.

The (H) symbol may be removed by further amendment to this By-law at such time as the following conditions have been satisfied:

- (a) That adequate roadway access is provided, and storm sewers (including provisions for stormwater management quantity and quality control measures), sanitary sewers, and water servicing are available to service the subject lands, to the satisfaction of the Senior Director of Growth Management, in consultation with the Hamilton Conservation Authority.
- (b) That the Owner agrees to register on title and include the following notice to all purchasers in all agreements of purchase and sale, to the satisfaction of the Director of Planning:

“Purchasers/Residents of this development are advised that the Newalta Landfill Site operates a Ministry of Environment licensed industrial, commercial, and institutional Landfill in the vicinity of the subject lands.”

3. That Sub-section 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “RM3-51(H)”, as follows:

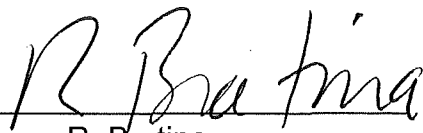
**“RM3-51(H)” 601 Upper Centennial Parkway, Schedule “A”, Map No. 11**

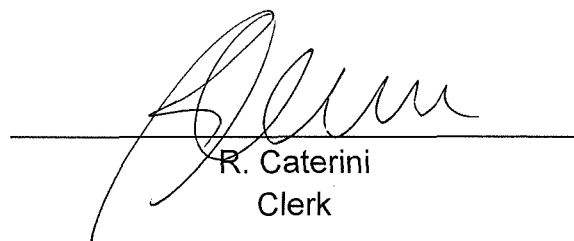
In addition to the provisions of the “RM3-50(H)” Zone, the following shall also apply:

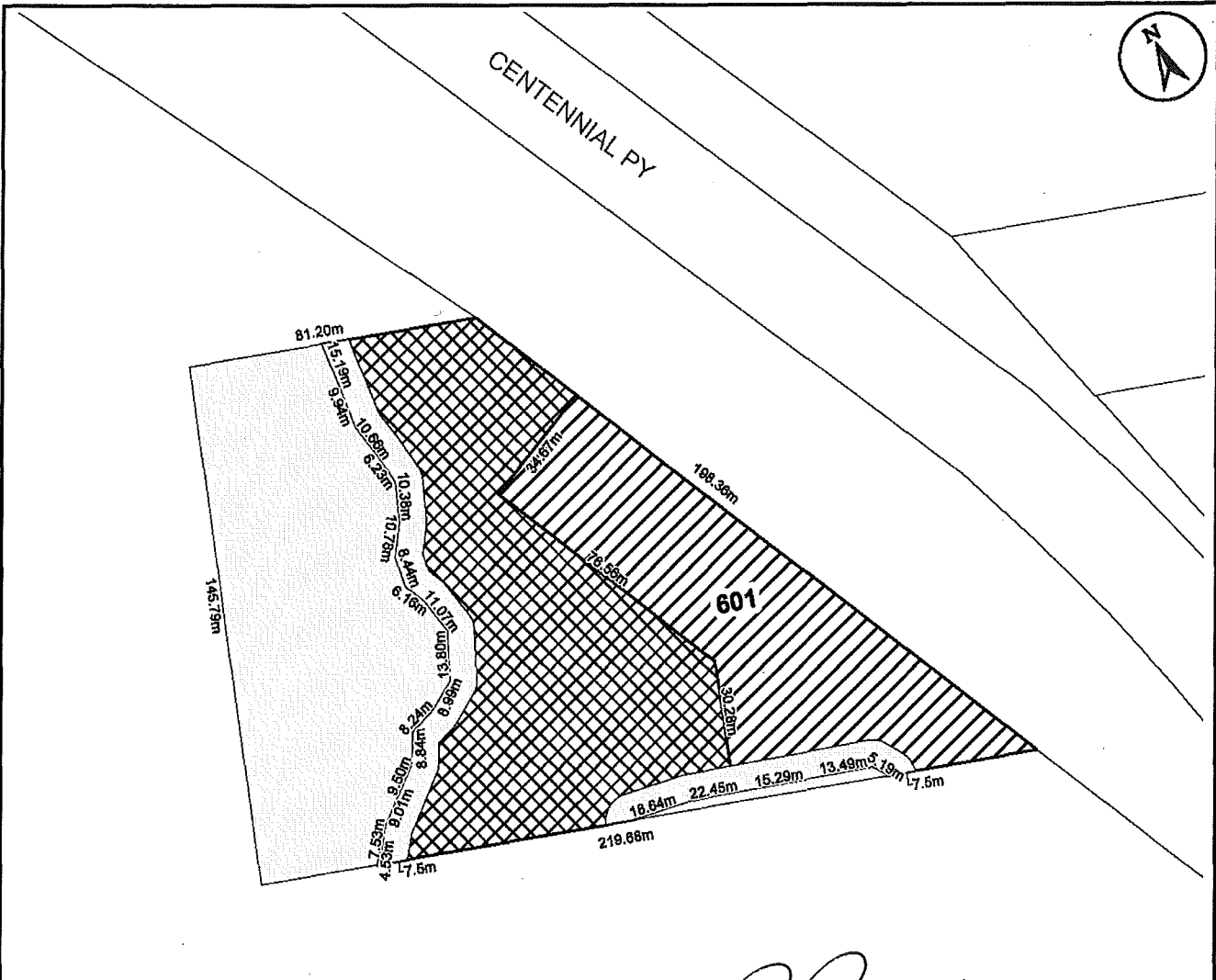
- (j) Maximum Building Height: 194 masl not to exceed 8m.

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM3” Zone provisions, subject to the special requirements referred to in Sections 2 and 3.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED** this 16th day of August, 2013.

  
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R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
Clerk





This is Schedule "A" to By-Law No. 13- 209  
 Passed the ...16.th. day of .....August....., 2013


*R. Baptina*  
 Mayor  
*[Signature]*  
 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 13- 209  
 to Amend By-law No. 3692-92

**Subject Property**  
 601 Upper Centennial Parkway

 **Block 1:** Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential - Holding "RM3-50(H)" Zone

 **Block 2:** Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential - Holding "RM3-51(H)" Zone

 Refer to By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-11-073
Date: July 3, 2013	Planner/Technician: JM/DB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

